

REMARKS

Claims 1-3, 5-10, 12-15, 17-19, and 23-28 stand rejected. Claims 1, 5, 6, 8, 9, 12-14, and 17-19 are amended. Claims 1-3, 5-10, 12-15, and 17-19 remain pending in the application.

Claim Objections

Claims 1, 9, 14, and 19 are objected to because of various informalities. Applicant has amended claims 1, 5, 6, 8, 9, 12-14, and 17-19 to correct the informalities. No new issues are believed to be raised by the amendments, and entry of the amendments is respectfully requested. Removal of the objections is respectfully requested.

Rejections Under 35 U.S.C. § 112

Claims 1-3, 5-10, 12-15, 17-19, and 23-28 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses the rejection in light of the following remarks.

The Examiner states that “it is not clearly understood what is meant by each of the standard programming functions is external to the respective calling application.” Applicant has amended claims 1, 9, 14, and 19 in a manner similar to the amendments suggested by the Examiner. No new issues are believed to be raised by the amendments, and entry of the amendments is respectfully requested. Claims 1-3, 5-10, 12-15, 17-19, and 23-28 are believed to satisfy 35 U.S.C. § 112, second paragraph. Accordingly, withdrawal of the § 112, second paragraph, rejections is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 1-3, 5-10, 12-15, 17-19, and 23-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Teegan et al. (U.S. Patent No. 6,748,555, hereinafter “Teegan”), in view of Suresh (U.S. Patent No. 7,143,396), and further in view of Hundt et al. (U.S. Patent Application Publication No. 2002/0152455, hereinafter “Hundt”). Applicant respectfully traverses the rejection in light of the following remarks.

To establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Applicant respectfully submits that the cited references, taken individually or in combination, do not teach the combinations of features as recited in the claims.

Claim 1 recites a combination of features including, *inter alia*, “wherein each of the standard programming functions comprises implementation program code which is located external to each of the plurality of applications calling the standard programming functions” and “wherein each of the alternative implementations of the standard programming functions is internal to a respective each of the plurality of applications calling the standard programming functions.” This combination is not taught by the cited references, taken both individually and in combination.

The Examiner acknowledges that Teegan as modified by Suresh does not disclose the features “wherein each of the standard programming functions comprises implementation program code which is located external to each of the plurality of applications calling the standard programming functions” and “wherein each of the alternative implementations of the standard programming functions is internal to a respective each of the plurality of applications calling the standard programming functions.” The Examiner instead cites Hundt. Hundt discloses (e.g., in Figs. 3 and 4) an

executable application 402 and an instrumented version of the application 402'. The original application 402 includes a function 404, and the instrumented application 402' includes an instrumented function 404' including probe code (see paragraphs [0035] and [0036]). Applicant can find no teaching or suggestion in Hundt that the function 404 for which an instrumented version 404' is generated is located external to each of the plurality of applications calling the standard programming functions.

For at least these reasons, Applicant respectfully submits that independent claims 1, 9, 14, and 19 are patentably distinct over the cited references. The respective dependent claims are believed to be patentably distinct at least due to their dependence on the independent claims. Because the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time. Accordingly, Applicant respectfully requests withdrawal of the § 103(a) rejections.

CONCLUSION

In light of the foregoing amendments and remarks, Applicants submit that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-20100/BNK.

Respectfully submitted,



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